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#1

D H E C

PROMOTE PROTECT PROSPER

March 21, 2013

Mr. William A. Stephens, Principal
Kestrel Horizons, LLC
84 Villa Road, Suite 300
Greenville, SC 29615

RE: Confirmation of Subpart CC Exemption for Pinewood Site

Dear Mr. Stephens:

The Department has reviewed your March 21, 2013 letter concerning the requirements of Subpart CC in the RCRA regulations for the Pinewood Site. As you noted, Subpart CC does not apply to hazardous waste management units that are permitted for air emissions controls under the Clean Air Act. The below regulation cite outlines these conditions:

> **264.1080 Applicability**
>
> ..
>
> *(b)*The requirements of this subpart do not apply to the following waste management units at the facility:
> .. (7)A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63. For the purpose of complying with this paragraph, a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of 264.1084(i), except as provided in 264.1082(c)(5).

The Department is in agreement that the State Operating Permit 2140-0017-CF-R1 (Air) meets the substantial and applicable requirements of the Subpart CC of R.61-79.264 and 265 with regards to all operations at the Pinewood Site. These operations include, but are not limited to, the Leachate Treatment System (LTS), all hazardous waste storage and treatment operations involving tank systems, containers and containment buildings.

If you have any questions, please call me at (803) 896-4070.

Sincerely,

Richard A. Haynes, P.E., Director
Division of Waste Management
Bureau of Land and Waste Management

cc: Cynde Devlin
Keith Lane, EQC Wateree District
File #51700

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dhec

June 5, 2017

Mr. Alan Farmer, Director
Resource Conservation and Restoration Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-8960

RE: Former Pinewood Hazardous Waste Disposal Facility
Sumter County, South Carolina
EPA ID Number: SCD 070 375 985

Dear Mr. Farmer: Alan

This letter is written to address the potential applicability of RCRA Subpart CC of S.C. Code Ann. Regs. 61-79.264 (Subpart CC of 40 C.F.R. Part 264) to the former Pinewood Hazardous Waste Disposal Facility ("Pinewood Site").

On February 22, 2016, the EPA and SCDHEC conducted a RCRA compliance evaluation inspection ("CEI") at the Pinewood Site, located at 8430 Camp MacBoykin Road, Pinewood, South Carolina. In EPA's Site Inspection Report dated August 31, 2016, EPA recommended that the Leachate Treatment System ("LTS") be included in the Post Closure Permit as a Miscellaneous Unit under S.C. Code Ann. Regs. 61-79.264 (Subpart X of 40 C.F.R. Part 264) and subject to Subpart CC of S.C. Code Ann. Regs. 61-79.264 (Subpart CC of 40 C.F.R. Part 264) or "that it meets any of the exemptions in S.C. Code Ann. Regs. 61-79.1080(b)." (EPA RCRA Site Inspection Report at 4).

In correspondence to Mr. Larry Lamberth of EPA from Mr. Robert Kerr of Pinewood Trustee, Inc., Trustee for the Pinewood Site Custodial Trust ("PSCT") dated November 30, 2016, Mr. Kerr indicated that the PSCT would revise the Post Closure Care Permit application for the Site and intended to include the LTS and the LTS sludge storage area as a Subpart X Miscellaneous Unit. The letter also stated that the PSCT would conduct a new analysis of the regulatory applicability and compliance of Subpart CC, including its exemptions, and would be working with SCDHEC to establish an acceptable schedule for permitting and compliance. Subsequently, SCDHEC received a Draft Subpart CC Compliance Report for the Pinewood Site dated January 17, 2017. The draft report was prepared by GEL Engineering, LLC for Pinewood Trustee, Inc. The report discusses the potential applicability of RCRA Subpart CC organic air emission standards for tanks, containers and surface impoundments, found at R.61-79.264.1080 of the S.C. Hazardous Waste Management Regulations (40 CFR 264.1080) to the Pinewood Site.

To date, the regulatory status of the LTS has been guided by a determination by SCDHEC that Subpart CC is inapplicable to the operations of the Pinewood Site, including, the LTS, all hazardous waste storage and treatment operations involving tank systems, containers and containment buildings because it has a State Operating Air Permit 2140-0017-CF-RI that meets the substantial and applicable requirements of the federal Clean Air Act. (*see,* SCDHEC correspondence dated March 21, 2013 to Kestrel Horizons, LLC). At that time, SCDHEC determined that the Site met the exemption contained in Subpart CC at S.C. Code Ann. Regs. 61-79.264.1080(b)(7) (40 C.F.R. 264.1080(b)(7)). Under the exemption, Subpart CC requirements do not apply to "hazardous waste management units that the owner or operator certifies is equipped with and operating emission controls in accordance with the requirements of an applicable Clean Air Act regulations..." SCDHEC determined that the State Air Operating Permit served to meet the conditions of this exemption.

The August 31, 2016 EPA CEI Inspection Report has again raised the issue of Subpart CC applicability. Based upon further review of the Subpart CC regulations, the Department maintains that additional support for the inapplicability of Subpart CC is found in the exemption for the on-site treatment or storage of hazardous waste generated from remedial activities. This exemption is discussed in more detail below.

RCRA Subpart CC requirements are found in R.61-79.264.1080. R.61-79.264.1080(b)(5) states that a waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated from remedial activities as required under RCRA §§ 3004(u), 3004(v), and 3008(a), CERCLA or similar Federal or State authorities, is exempt from Subpart CC requirements. Leachate generated at the Pinewood Site meets the definition of "remediation waste". Per R.61-79.260.10, "remediation waste" is defined as "all solid and hazardous wastes, and all media (including groundwater, surface water, soils and sediments), and debris that are managed for implementing cleanup."

EPA's promulgation of the Subpart CC standards confirms its intent for flexibility in remediation by including R.61-79.264.1080(b)(5) among the allowable exemptions. As noted in the Federal Register 59 FR 62913, "Control of air emissions from units at remediation sites implicates the overlapping and potentially competing concerns of RCRA section 3004(n) and the complex statutory provisions under RCRA, CERCLA and State laws relating to remediation. The EPA's primary goal in this rulemaking has been to develop air emission standards for tanks, containers, and surface impoundments holding as-generated hazardous wastes containing organics."

In addition, in the Corrective Action Management Unit (CAMU) rule, EPA discussed the potential for conflicting goals between RCRA's permitting and remediation requirements. See the February 16, 1993 Federal Register (Vol 58, p. 8660) in which it is stated:

> The decision maker's goal in each case [whether managing a contaminated site under Superfund or RCRA] is to select a remedy that is fully protective, yet that reflects the technical and practical realities of the site. In addressing this situation, the decision maker needs the flexibility to consider a full range of strategies so that one may be selected that promptly and effectively addresses the problem. EPA believes that constraining this range of strategies by requiring compliance with subtitle CC standards for wastes "generated" during remediation can often lead to remedies that are not cost effective and that in some cases may actually be less protective solutions than the remedies that otherwise would be chosen.

Further, on page 8661, EPA states "As a result, under today's rule, regulatory requirements for remediation wastes will differ from the standards applied to as-generated wastes."

For these reasons, it is the Department's determination that the leachate generated at the Pinewood Site meets the definition of "remediation waste" and therefore, Subpart CC is not applicable. The Department requests EPA's review and concurrence with the Department's determination.

If you have any questions, please contact David Scaturo of my staff at 803-898-0290 or via email at ScaturDM@dhec.sc.gov.

Sincerely,

Daphne G. Neel, Chief
Bureau of Land and Waste Management

cc: David Scaturo, Director, Division of Waste Management
Joe Bowers, Manager RCRA Permitting and Corrective Action Section
Cynde Devlin, Project Manager, Division of Waste Management
Robert A. Kerr, Jr., President, Pinewood Trustee, Inc.
Claire H. Prince, Office of General Counsel

Enclosures:
(1) EPA CEI Inspection Report, August 31, 2016
(2) Pinewood Trustee Inc. Correspondence to Larry L. Lamberth, November 30, 2016
(3) SCDHEC Correspondence to William A. Stephens, Kestrel Horizons, LLC, March 21, 2013

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#3

Pinewood Trustee, Inc. as Trustee of the
Pinewood Site Custodial Trust
78 Wentworth Street
Charleston, SC 29401
Phone: (843) 579-7000

November 30, 2016

Mr. Larry L. Lamberth, Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division
US Environmental Protection Agency – Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960

Re: Pinewood Site Custodial Trust
Pinewood, South Carolina
EPA ID Number: SCD 070 375 985

Dear Mr. Lamberth:

Pinewood Trustee, Inc. (PTI), formerly Pinewood Interim Administrator, Inc., is in receipt of your August 31, 2016, letter and compliance evaluation inspection (CEI) of the Pinewood Site Custodial Trust (PSCT). This letter provides a response to several of the Environmental Protection Agency (EPA) findings from that CEI.

As indicated in your report, the EPA identified several specific areas of concern. These concerns and the PSCT's approach to addressing these are as follows:

EPA Finding 1
Central Tank Farm (CTF): "The floor of the tank farm secondary containment system had small spots with cracks in the concrete and the sealant."

PSCT Response: The CTF secondary containment coating was applied in late-2012. The PSCT completed the patch repair of the small spots and cracks in the coating and will continue to monitor for additional cracks in the regular inspections. Should additional cracks be identified, the PSCT will implement additional repairs immediately and document these in the daily inspection reports.

EPA Finding 2
Leachate Treatment System (LTS) Building: "Although the LTS has an air permit, the EPA recommends that the LTS be included in the Post Closure Care Permit as a Miscellaneous Unit (Subpart X) under the S.C. Code Ann. Regs. 61-79.264 [Subpart X of 40 C.F.R. Part 264 (40 C.F.R. Part 264)], and subject to Subpart CC of S.S. Code Ann. Regs. 61-79.265.1080(b)

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[40 C.F.R. Part 265] or that it meets any of the exemptions in S.C. Code Ann. Regs. 61-79.265.1080(b) [40 C.F.R. 265.1080(b)]."

PSCT Response: The PSCT is currently revising the Post Closure Care Permit application for the site and intends to include the LTS and the LTS sludge storage area as a Miscellaneous Unit. Prior to the CEI conducted by the EPA, the PSCT has operated the facility with the understanding that the LTS qualifies for an exemption from Subpart CC, as documented in the attached letter from South Carolina Department of Health and Environmental Control (SCDHEC), dated March 21, 2013. However, the PSCT is conducting a new analysis of the regulatory applicability and compliance of Subpart CC, including it exemptions, and is working with the SCDHEC to establish an acceptable schedule for permitting and compliance.

EPA Finding 3
Records Review: "Most of the inspection logs were missing the time of the inspection."

PSCT Response: Since the day of EPA's inspection in February 22, 2016, the inspection time has been added to the inspection logs and this practice will continue for future inspections.

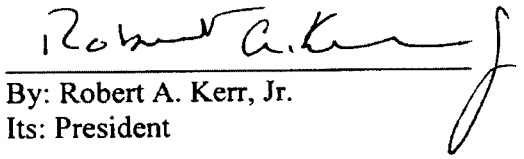
EPA Finding 4
Records Review: The EPA is concerned with how Pinewood demonstrates that the leachate is being treated within 90-days from the day it is pumped out for the leachate collection sumps. "The EPA would expect that leachate accumulation time be calculated from the time it is pumped from the sumps through completion of treatment in the LTS. The EPA is concerned about Pinewood's capacity to treat such leachate within 90-days during periods of heavy rain."

PSCT Response: To date, the PSCT has considered the point of origination to be the CTF with storage in these tanks limited to 90 days or with 30-day extensions from SCDHEC when absolutely necessary. The LTS has also been operated with storage limited to 90 days by demonstrating that the quantity of waste passing through the LTS tank system in a 90-day period exceeds the maximum quantity accumulated in the system during the 90-day period using flow meters. PSCT would like to further discuss the EPA's concerns regarding this matter so that our current approach can be further explained and an appropriate method to demonstrate compliance with our 90-day accumulation can be confirmed. With regards to Pinewood's capacity to treat within 90 days in periods of heavy rain, the PSCT agrees with this concern as increases in leachate generation in the recent years have made the storage and treatment of leachate on-site difficult and costly. To that end, the PSCT is pursuing improvements to several features of the landfills that should reduce leachate generation going forward.

I will be contacting you in the coming week to set up a time for us to further discuss resolution of your 90-day accumulation concerns and any other concerns you may have. If you have any questions, please contact me at (843) 579-7026. Sincerely,

Pinewood Site Custodial Trust

By Pinewood Trustee, Inc.
A South Carolina Non Profit Corporation,
As Trustee of the Pinewood Site Custodial Trust under
Trust Instrument Dated December 24, 2003:



By: Robert A. Kerr, Jr.
Its: President

cc: David Scaturo, SCDHEC
Buck Graham, SCDHEC
Cynde Devlin, SCDHEC
Keith Lane, SCDHEC
Peter McGrath, PTI

D H E C

PROMOTE PROTECT PROSPER

March 21, 2013

Mr. William A. Stephens, Principal
Kestrel Horizons, LLC
84 Villa Road, Suite 300
Greenville, SC 29615

RE: Confirmation of Subpart CC Exemption for Pinewood Site

Dear Mr. Stephens:

The Department has reviewed your March 21, 2013 letter concerning the requirements of Subpart CC in the RCRA regulations for the Pinewood Site. As you noted, Subpart CC does not apply to hazardous waste management units that are permitted for air emissions controls under the Clean Air Act. The below regulation cite outlines these conditions:

> **264.1080 Applicability**
> ..
> *(b)*The requirements of this subpart do not apply to the following waste management units at the facility:
> .. (7)A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63. For the purpose of complying with this paragraph, a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of 264.1084(i), except as provided in 264.1082(c)(5).

The Department is in agreement that the State Operating Permit 2140-0017-CF-R1 (Air) meets the substantial and applicable requirements of the Subpart CC of R.61-79.264 and 265 with regards to all operations at the Pinewood Site. These operations include, but are not limited to, the Leachate Treatment System (LTS), all hazardous waste storage and treatment operations involving tank systems, containers and containment buildings.

If you have any questions, please call me at (803) 896-4070.

Sincerely,

Richard A. Haynes, P.E., Director
Division of Waste Management
Bureau of Land and Waste Management

cc: Cynde Devlin
Keith Lane, EQC Wateree District
File #51700

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 3 1 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Marty Linder
Chief, Hazardous Waste Compliance Section
Division of Compliance and Enforcement
Bureau of Land and Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

SUBJ: RCRA Compliance Evaluation Inspection
Pinewood Site Custodial Trust
Pinewood, South Carolina
EPA ID Number: SCD 070 375 985

Dear Mr. Linder:

On February 22, 2016, the EPA and SCDHEC conducted a compliance evaluation inspection (CEI) at the Pinewood Site Custodial Trust (Pinewood), located at 8430 Camp Mac Boykin Road, Pinewood, South Carolina. The purpose of the CEI was to evaluate Pinewood's compliance status with the Resource Conservation and Recovery Act (RCRA). As indicated in the enclosed inspection report, the EPA identified several areas of concern during the inspection.

If you have any questions concerning the inspection report, please contact Javier Garcia, of my staff, at (404) 562-8616 or by email at garcia.javier@epa.gov.

Sincerely,

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 3 1 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert A. Kerr, Jr
President of Pinewood Interim Administrator, Inc.
Moore & Van Allen PLLC
78 Wentworth Street
Charleston, South Carolina 29401

SUBJ: RCRA Compliance Evaluation Inspection
Pinewood Site Custodial Trust
Pinewood, South Carolina
EPA ID Number: SCD 070 375 985

Dear Mr. Kerr:

Enclosed is a copy of the U.S. Environmental Protection Agency inspection report documenting the results of the February 22, 2016, compliance evaluation inspection (CEI) of Pinewood Site Custodial Trust (Pinewood), located at 8430 Camp Mac Boykin Road, Pinewood, South Carolina. The purpose of the CEI was to evaluate Pinewood's compliance status with the Resource Conservation and Recovery Act (RCRA). As indicated in the enclosed report, the EPA identified several areas of concern during the inspection. A copy of this report has been forward to the South Carolina Department of Health and Environmental Control (SCDHEC).

If you have any questions concerning the inspection report, please contact Javier Garcia, of my staff, at (404) 562-8616 or by email at garcia.javier@epa.gov.

Sincerely,

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosure

cc: Keith Lane, SCDHEC
Joe Bowers, SCDHEC
Jeffrey Schrag

RCRA Inspection Report

1) Inspector

Javier E. García, Environmental Engineer
Hazardous Waste Enforcement and Compliance Section
U.S. Environmental Protection Agency (EPA), Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Phone: 404-562-8616

2) Facility Information

Pinewood Site Custodial Trust
8430 Camp Mac Boykin Road
Pinewood, South Carolina 29125-9733

EPA ID Number: SCD 070 375 985
NAICS Code: 562211

3) Responsible Official

Robert A. Kerr, Jr
President of Pinewood Interim Administrator, Inc.
Moore & Van Allen PLLC
78 Wentworth Street, Charleston, South Carolina 29401

4) Inspection Participants

Brian Burgess, Pinewood Site Custodial Trust, Site Manager
Cindy Devlin, South Carolina Department of Health and Environmental Control (SCDHEC)
Gerald Shealy, SCDHEC
Jeffrey Schrag, SCDHEC
Keith Lane, SCDHEC
Earle Watson, SCDHEC
Javier García, USEPA

5) Date of Inspection

February 22, 2016

6) Applicable Regulations

South Carolina Hazardous Waste Management Act (SCHWMA), S.C. Code Ann. § 44-56-60, as amended, [Section 3005 of the Resource Conservation Recovery Act (RCRA), 42 U.S.C. § 6925] [Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 3005, the South Carolina Hazardous Waste Management Regulations (SCHWMR) S.C. Code Ann. Regs 61-79.260-270 and 61-79.273. [40 C.F.R. Parts 260-270, 273]

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection (CEI) to determine Pinewood Site Custodial Trust's compliance with the applicable requirements of RCRA, and the corresponding SCHWMR regulations.

8) Previous Inspection History

On June 22, 2015, the SCDHEC conducted a RCRA inspection at Pinewood Site Custodial Trust (Pinewood or "facility"). In the inspection report, the SCDHEC expressed concern about the number of hazardous waste roll-off containers stored on site and the high number of 30-day storage extensions that the facility has requested.

9) Facility Description

Pinewood is a closed commercial hazardous waste treatment, storage and disposal facility. The facility is located on Camp Mac Boykin Road (SC County Road 51) in a rural area of Sumter County between Summerton and Pinewood. Pinewood received hazardous and nonhazardous waste until 2000, when site closure began. Pinewood closed in 2003 following a bankruptcy settlement. All landfill cells are closed and capped. The site is expected to remain in post-closure care for at least 100 years and it is subject to a RCRA post-closure care permit issued by SCDHEC.

Kestrel Horizons, LLC (Kestrel) acted as Trustee from 2003 to 2015. In November of 2015, in accordance with the provisions of the Pinewood Site Custodial Trust Agreement, SCDHEC appointed Pinewood Interim Administrator, Inc. (PIA) as the interim administrator of the Pinewood Site Custodial Trust (PSCT). Sumter Transport Company is in charge of the site's operations including maintenance and waste handling activities.

Post closure care activities at the site include management of the landfill leachate and its treatment residue, maintenance of the landfill cap, surface water management, and implementation of a groundwater-monitoring program. The landfill has a double leachate collection system. The leachate from the primary collection system is accumulated in sumps and transferred to the Central Tank Farm (CTF) via underground pipes. The landfill's primary leachate collection system has 45 sumps. Picture 1 shows the header of a primary sump. The leachate from the secondary collection system is also accumulated in sumps; however, it is transferred to the CTF by truck. The landfill has 23 secondary leachate accumulation sumps. Picture 2 shows the typical connection point of a secondary leachate sump. The leachate is a listed hazardous waste, F039 and has been found to exhibit the hazardous waste characteristics of toxicity for arsenic (D004), 1,2-Dichloroethane (D028), Tetrachloroethylene (D039) and Trichloroethylene (D040).

The CTF consists of a building containing ten 40,000-gallon aboveground steel tanks and a leachate offloading station. The tank farm has concrete secondary containment and a metal roof. The tanks in the CTF are used for temporary storage of the leachate prior to treatment in the on-site Leachate Treatment System (LTS). The LTS is in a building adjacent to the CTF. The LTS building has a 6-inch concrete curb, a lined trench drain system and a sump to collect any releases. The sump has a level float switch that would trigger an alarm that is connected to a central control

system. The liquid collected in the sump would be pumped with vacuum truck or other means and transferred to the CTF.

The LTS is comprised of tanks T-200, T-210, T-300, T-400, T-500, T-600, T-700, and T-900, a filter press (FLT-600), two dryers (D-601 and D-901), an evaporator (E-800), and associated pump system. All units are vented through a single stack in the building. According to the construction air permit application, the evaporator has no air emission control devices.

The LTS is a batch operation and includes flocculation, dewatering, evaporation, and drying. (See Attachment 1 – Simplified Process Flow Diagram). The first unit in the LTS is tank T-200, which serves as the holding/mixing tank. The maximum batch size treated in tank T-200 is 6,400 gallons. In tank T-200, the leachate is mixed with either sulfuric acid and/or caustic soda solution and mixed with perlite. The perlite is reported to facilitate removal of the precipitate in a downstream filter press. After mixing is complete, the entire content of the mixing tank is pumped to tank T-210. Pinewood refers to the output of tank T-200 as a "sludge." In tank T-210, the sludge is mixed with a conditioner. From tank T-210, the conditioned sludge is fed to the filter press, designated as unit FLT-600.

In unit FLT-600, the conditioned sludge is pressed to remove liquids from the sludge. The FLT-600's liquid phase (filtrate) is pumped to tank T-700, while the pressed sludge is fed to the sludge drier. The sludge dryer, referred to as unit D-601, is an electrically heated dryer. The dried sludge is accumulated in a roll-off container stationed adjacent to the drier. Once the roll-off is full, it is transferred to the 90-day storage area located in the Waste Pile Building #2, before it is shipped off-site as a D012/F039 hazardous waste.

Tank T-700 is used as the feeding tank for the evaporator. The evaporator, designated as unit E-800, is a propane fired device, operates at a temperature range between 212°F and 250°F. The residue from the evaporator, referred to as slurry, is pumped to tank T-900, which is followed by the slurry dryer (referred to as unit D-901). The dried slurry is accumulated in a roll-container stationed adjacent to the slurry drier. Upon becoming full, the slurry accumulation container is transferred to the 90-day storage area in the Waste Pile Building #2, before it is shipped off-site as an F039 listed hazardous waste.

10) Findings

Upon arriving at the facility, the inspectors met with Brian Burgess, presented their credentials and explained the purpose of the inspection. Mr. Burgess provided a brief description of the facility's operation. Following the facility description, the team toured the facility. The following is a description of the observations made during the facility tour:

Central Tank Farm:

On the offloading pad, the inspectors observed one 3,000-gallon capacity vacuum truck and one 500-gallon capacity polyethylene container. The vacuum truck was reported to contain leachate pumped from the landfill's secondary collection system. The truck was labeled as containing hazardous waste and dated with the accumulation start date of 1/29/16 (pictures 3 – 4). The accumulation start date represents the date on which the leachate was pumped from the sump. According to Pinewood officials, the polyethylene container contained liquids pumped from the

CTF secondary containment system. The container was labeled as containing hazardous waste and dated with the accumulation start date of 1/29/16 (pictures 5 – 6). In addition, the inspectors observed one 55-gallon container used for the accumulation of leachate-contaminated personal protective equipment (PPE) and debris generated on the pad. The container was properly labeled, closed and appeared to be in good condition (picture 7).

During the inspection, Mr. Burgess indicated that tanks #7, #8 and #9 were the only tanks that contained hazardous wastes. The remaining seven tanks were reported to be empty. The tanks in use were labeled as containing hazardous wastes and dated (pictures 8 – 13). The accumulation start dates observed on the tanks were as follows:

Tank #	Accumulation Start Date
7	2/8/2016
8	2/4/2016
9	2/17/2016

All tank openings and manholes appeared to be properly closed (pictures 14 – 16). The floor of the tank farm secondary containment system had small spots with cracks in the concrete and the sealant (pictures 17 – 21).

Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii)], which incorporates S.C. Code Ann. Regs. 61-79.265.193(e)(1)(iii) [40 C.F.R. § 265.193(e)(1)(iii)], a generator that stores hazardous waste in tanks shall maintain the secondary containment systems of its hazardous waste storage tanks free of cracks or gaps.

Leachate Treatment System (LTS) Building :

At the time of the inspection, all LTS units were properly identified and appeared to be in good condition (pictures 22 and 23). According to the facility's air permit application, all LTS units are vented directly to atmosphere via a common stack in the LTS building. Although the LTS has an air permit, the EPA recommends that the LTS be included in the Post Closure Care Permit as a Miscellaneous Unit (Subpart X) under of S.C. Code Ann. Regs. 61-79.264 [Subpart X of 40 C.F.R. Part 264 (40 C.F.R. Part 264)], and subject to Subpart CC of S.C. Code Ann. Regs. 61-79.265 [Subpart CC of 40 C.F.R. Part 265] or that it meets any of the exemptions in S.C. Code Ann. Regs. 61-79.265.1080(b) [40 C.F.R. § 265.1080(b)]. After the inspection, EPA personnel were informed that the RCRA post closure permit would be amended to include the LTS and the LTS sludge storage area.

Connected to the slurry dryer, the inspectors observed a 30-gallon container identified as containing condensate from the dryer (pictures 24 and 25). The container was properly labeled, closed and appeared to be in good condition. The liquid accumulated in this container is pumped to tank T-200 via a pump (P003) in the lab area.

Also located in the in the LTS building, the inspectors observed two roll-off containers used for the accumulation of pressed sludge and dried slurry (picture 26). Both containers were closed, labeled, dated and appeared to be in good condition. The containers were marked with accumulation start dates of 2/20/16 and 2/6/16. Adjacent to the west side door of the building the

inspectors observed a 55-gallon container used for the accumulation of PPE generated in the LTS (picture 27). The container was properly labeled, closed and appeared to be in good condition.

Auxiliary Tank Farm:

The auxiliary tank farm consists of two 40,000-gallon capacity aboveground tanks. Mr. Burgess indicated that the tanks were empty and that no hazardous waste has been placed in the tanks for the last 18 months. When in service, they would be used for the collection of leachate from the landfill's secondary leachate collection system. No hazardous waste was observed in the area during the inspection.

Waste Pile Building #2:

The name of the building reflects the management of hazardous waste in piles at the building when the landfill was in operation. Currently, Pinewood uses this building for storage of hazardous waste containers prior to shipment off-site. The unit is not covered by the facility's post-closure care permit; hence, storage is limited to 90-days. In the building, the inspectors observed two satellite accumulation area containers. One container was used for the accumulation of contaminated PPE and the other container was used for non-burnable contaminated debris (pictures 28 and 29). Both containers were properly labeled, closed and appeared to be in good condition. Near the accumulation containers, the inspectors observed a roll-off container reported to contain filter press sludge. The container was properly closed, labeled, dated and appeared to be in good condition (pictures 30 – 32). The accumulation start date marked on the container was 9/12/15. Mr. Burgess indicated that SCDHEC had granted two 30-day extensions for the storage of this container for longer than 90-days. The next day following the inspection, Mr. Burgess emailed the EPA a copy of the manifest documenting the shipment of this roll-off container.

Across from the roll-off container, along the building wall, the inspectors observed ten 55-gallon containers (pictures 33 and 34). The containers were reported to contain hazardous waste contaminated debris (burnable and non-burnable). The containers were properly labeled, dated, closed and appeared to be in good condition. The oldest accumulation start date observed on the containers was 12/15/2015.

Records Review:

The inspection team reviewed the inspection logs, manifests and training records for January 2015 through February 2016. The training records and manifest appeared to be in good order. No inspection records were found for 8/25/2015. Most of the inspection logs were missing the time of the inspection.

Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii)], which incorporates S.C. Code Ann. Regs. 61-79.265.195(b) [40 C.F.R. § 265.193(b)], a generator that stores hazardous waste in tanks shall inspect, at least once each operating day, the overfill/spill control equipment, all above ground portions of the tank system, and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system.

Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(4) [40 C.F.R. § 262.34(a)(4)], which incorporates S.C. Code Ann. Regs. 61-265.15(d) [40 C.F.R. § 265.15(d)], a generator that stores hazardous waste in tanks shall include in its inspection log, among other requirements, the date and time of the inspection.

When asked about how Pinewood verifies that it treats the leachate within 90-days from its generation. Mr. Burgess indicated that the facility uses a flow through volume analysis. He stated that the leachate generation rate is calculated by measuring the pump strokes of the primary leachate collection system and that the LTS has its own flow meter. The EPA is concerned with how these two calculations are combined to clearly demonstrate that the leachate is being treated within 90-days from the day it is pumped out of the leachate collection sumps. The EPA would expect that leachate accumulation time be calculated from the time it is pumped from the sumps through completion of treatment in the LTS. The EPA is concerned about Pinewood's capacity to treat such leachate within 90-days during periods of heavy rain.

11) **Signed**

Javier E. García
Senior Enforcement and Compliance Specialist

8/30/16
Date

Concurrence

Larry Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

08/31/16
Date

EPA RCRA Site Inspection Report

Attachment 1

Leachate Treatment System Process Flow Diagram

Pinewood Site Custodial Trust

Pinewood, South Carolina

EPA ID Number SCD 070 375 985

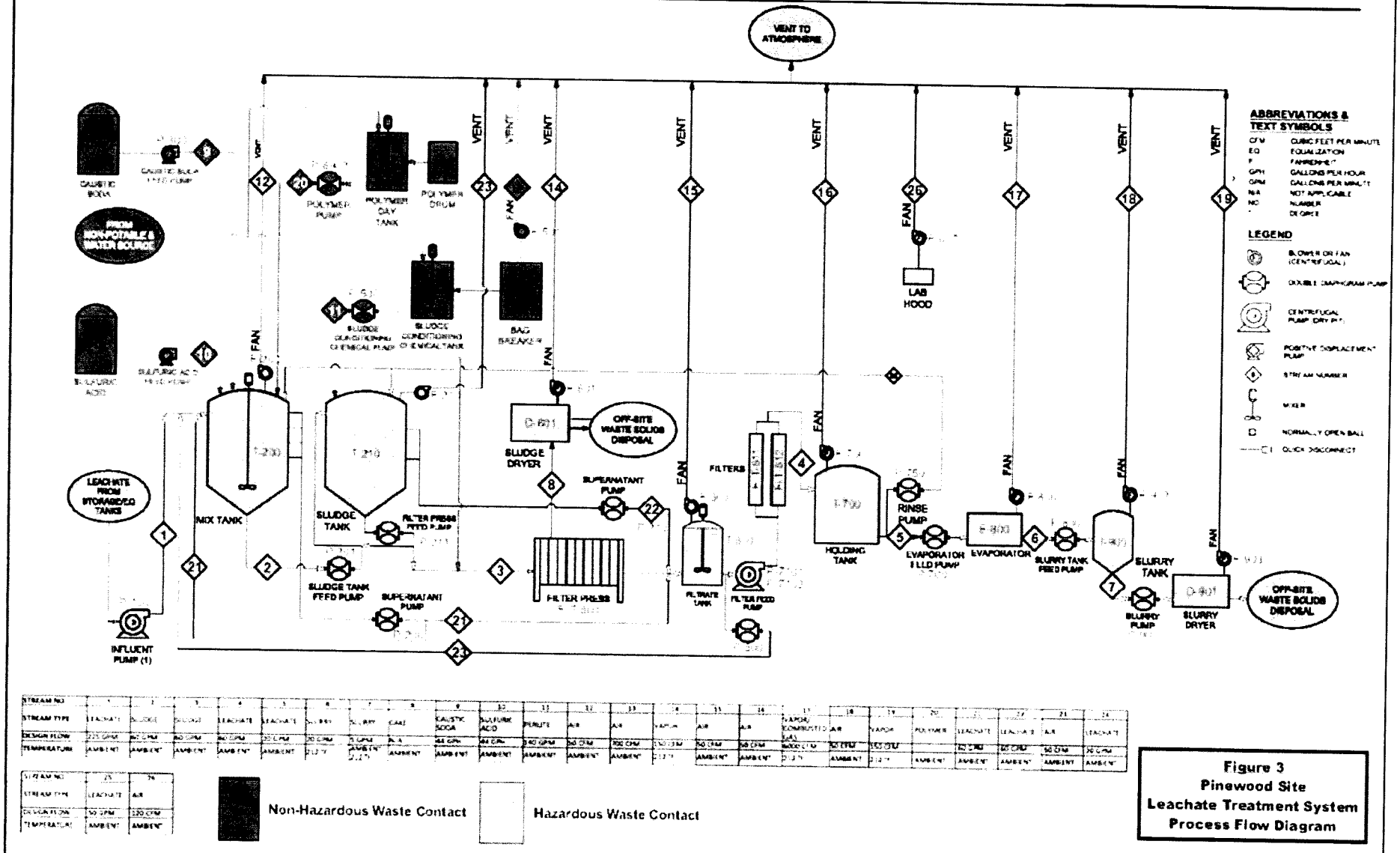
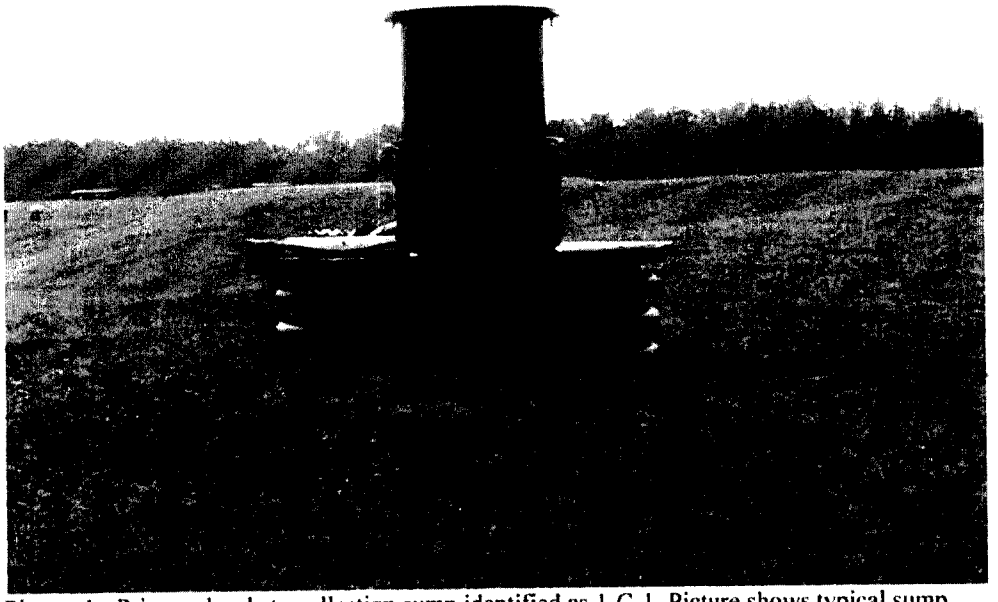


Figure 3
Pinewood Site
Leachate Treatment System
Process Flow Diagram

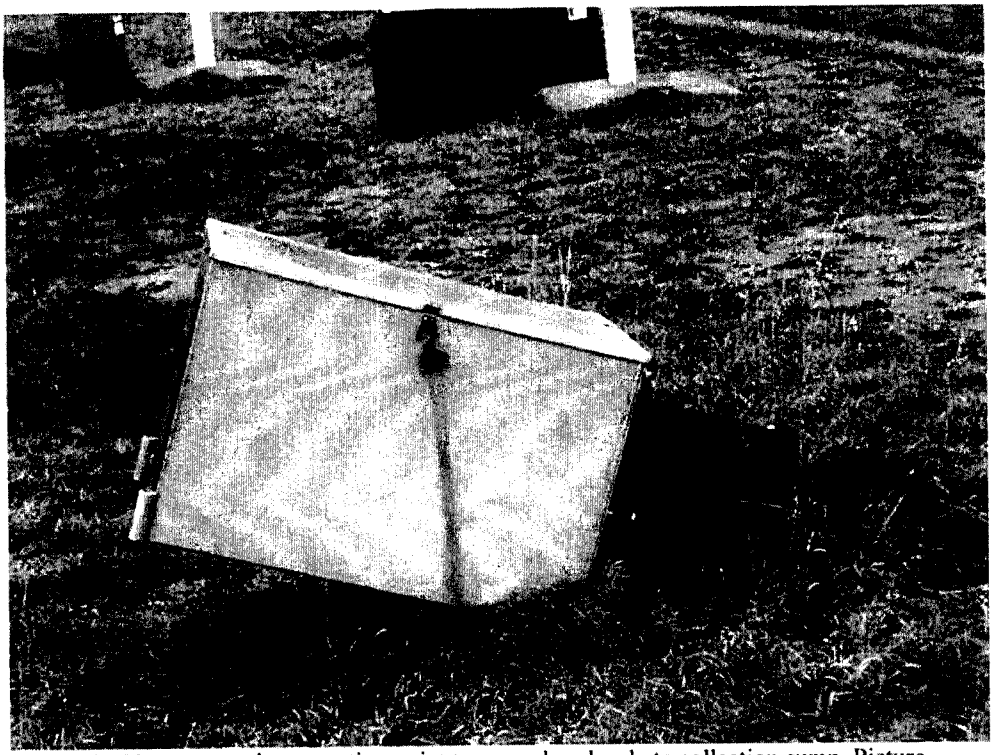
Pinewood Custodian Site
Pinewood, SC

EPA CEI Pictures – February 22, 2016

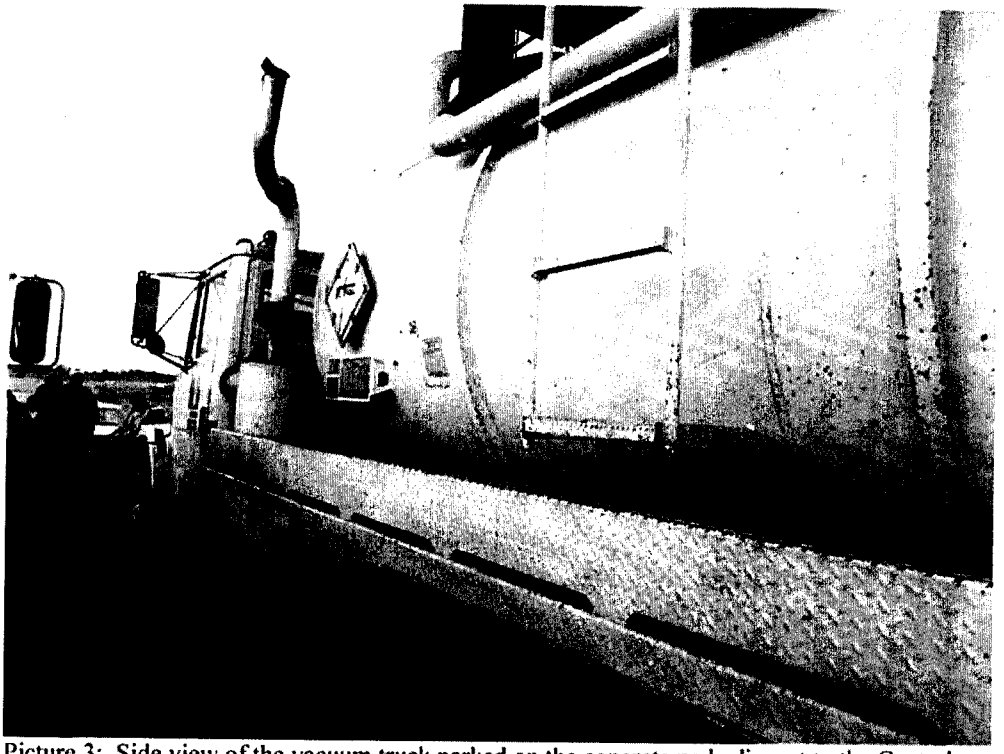
CEI Report – Attachment 2



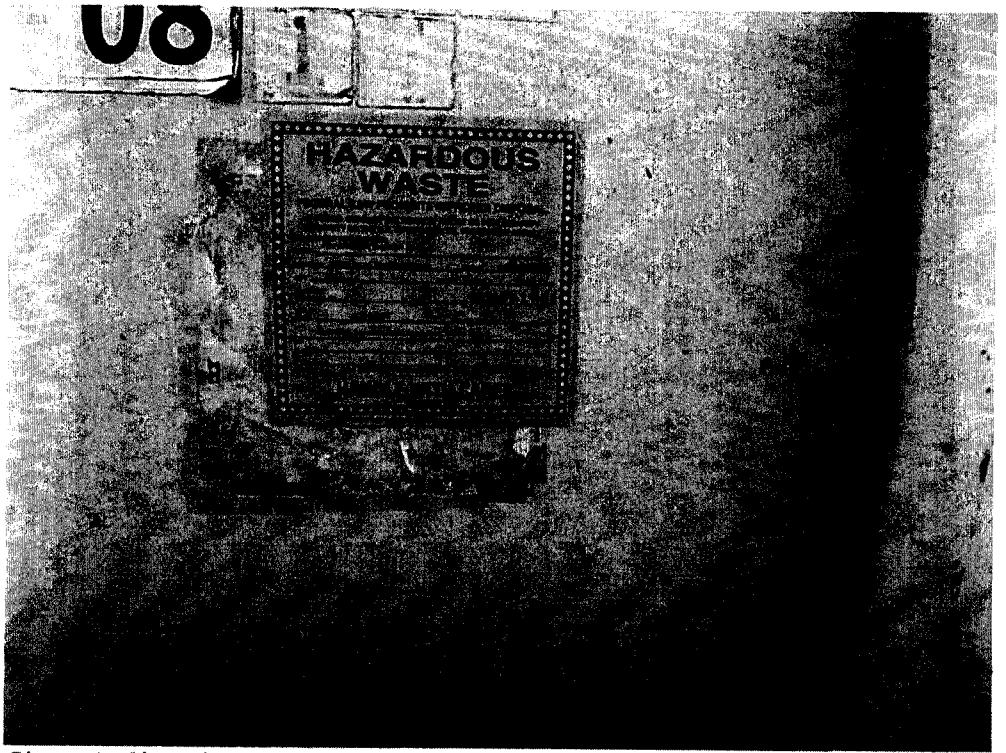
Picture 1: Primary leachate collection sump identified as 1-C-1. Picture shows typical sump configuration. Picture taken by Keith Lane, SCDHEC, on behalf of EPA, on 2/22/16 at 1:49 pm



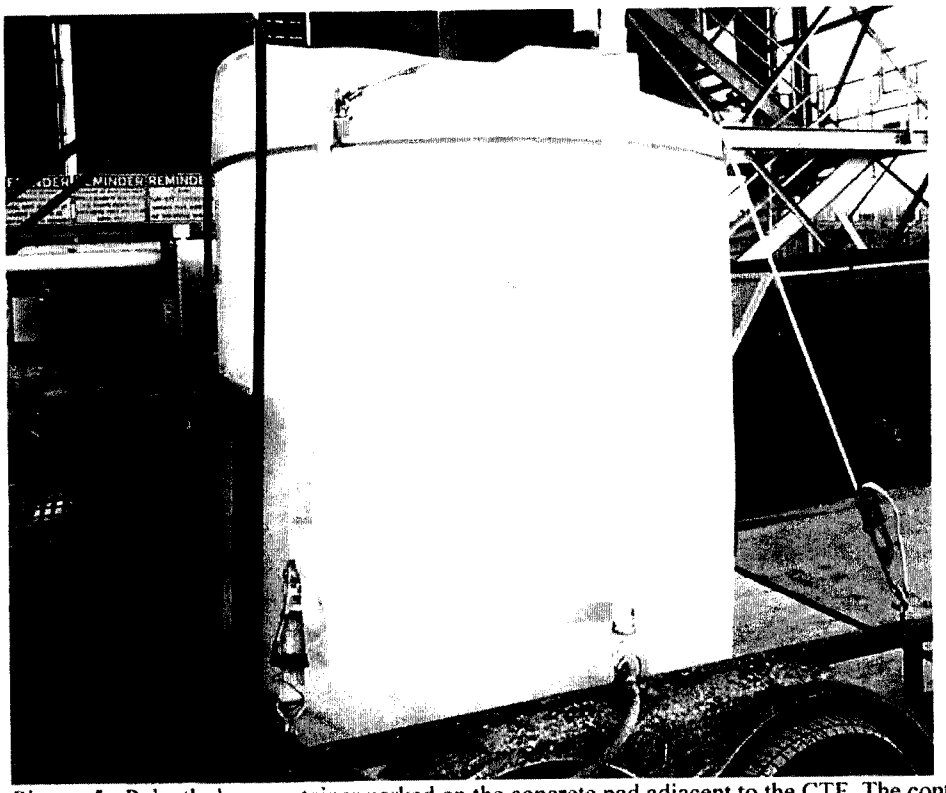
Picture 2: Vacuum truck connection point to secondary leachate collection sump. Picture shows typical sump configuration. Picture taken by Keith Lane, SCDHEC, on behalf of EPA, on 2/22/16, at 1:58 pm.



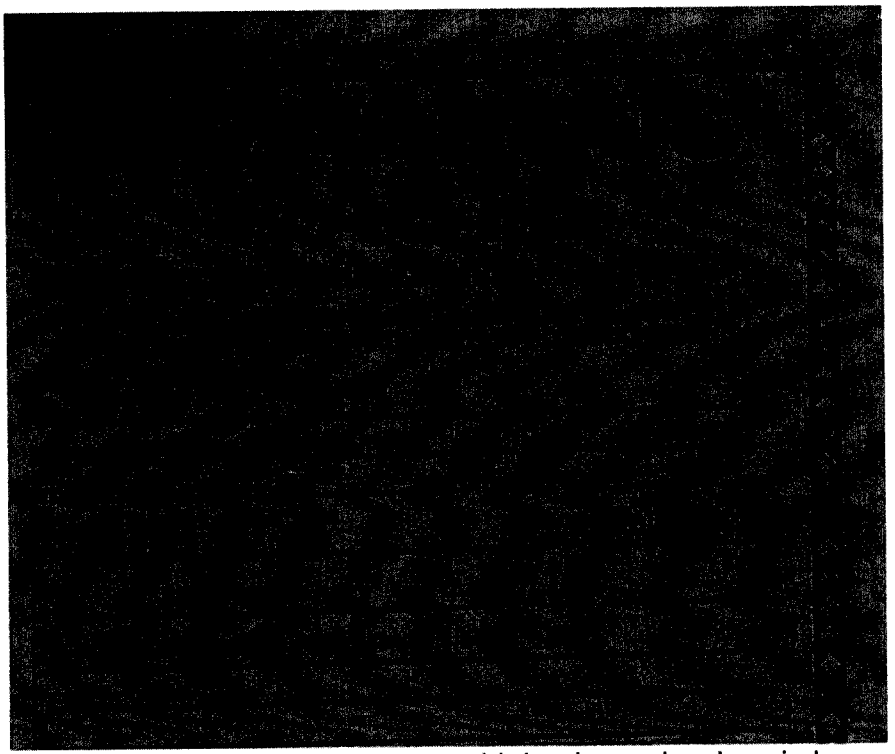
Picture 3: Side view of the vacuum truck parked on the concrete pad adjacent to the Central Tank Farm (CTF). The truck contained leachate from the secondary leachate collection system, which is pumped to one of the tanks in the CTF. Picture taken by Javier García on 2/22/2016, at 2:05 pm.



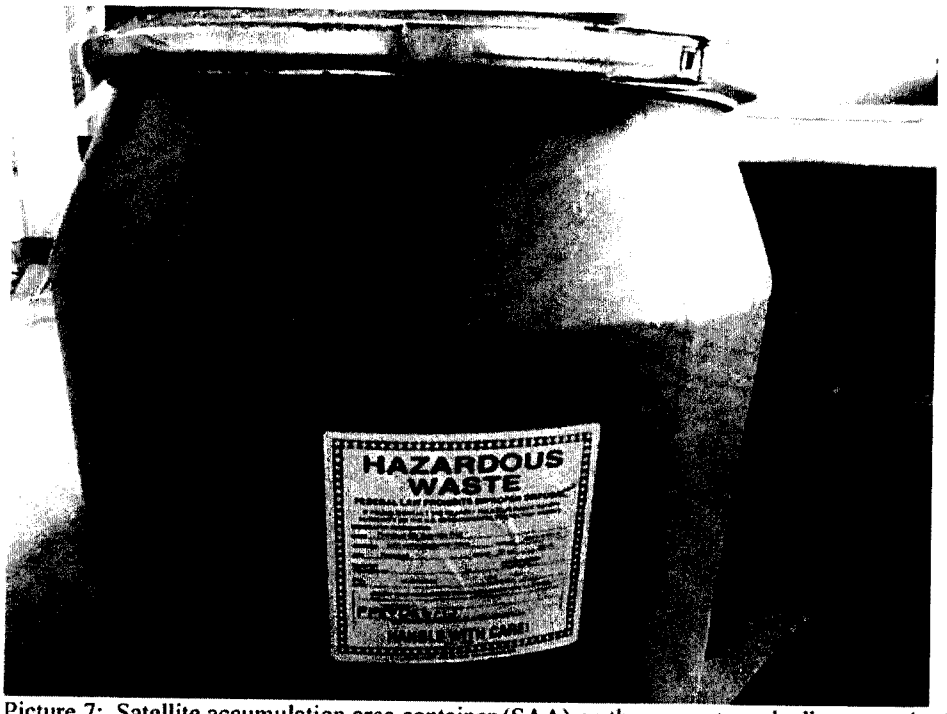
Picture 4: Close view of the hazardous waste label on the vacuum truck parked on the CFT's off-loading dock. Picture taken by Javier García on 2/22/2016, at 2:05 pm.



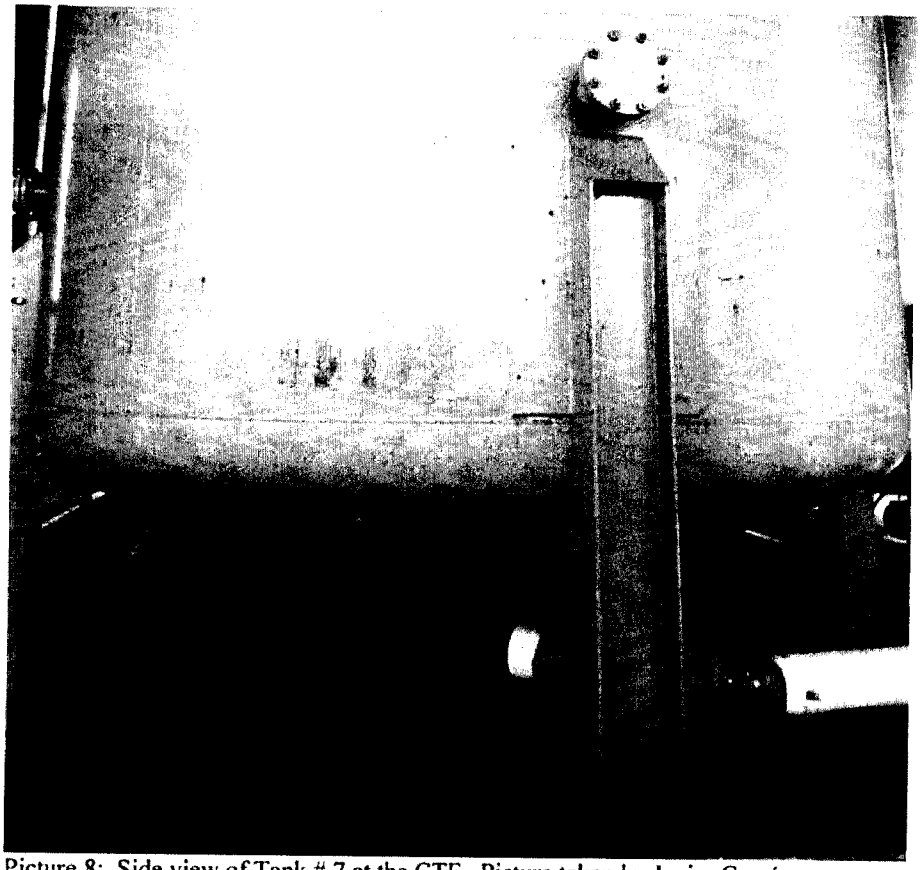
Picture 5: Polyethylene container parked on the concrete pad adjacent to the CTF. The container is used to collect liquids accumulated in the CTF's secondary containment system. Picture taken by Javier García on 2/22/2016, at 2:07 pm.



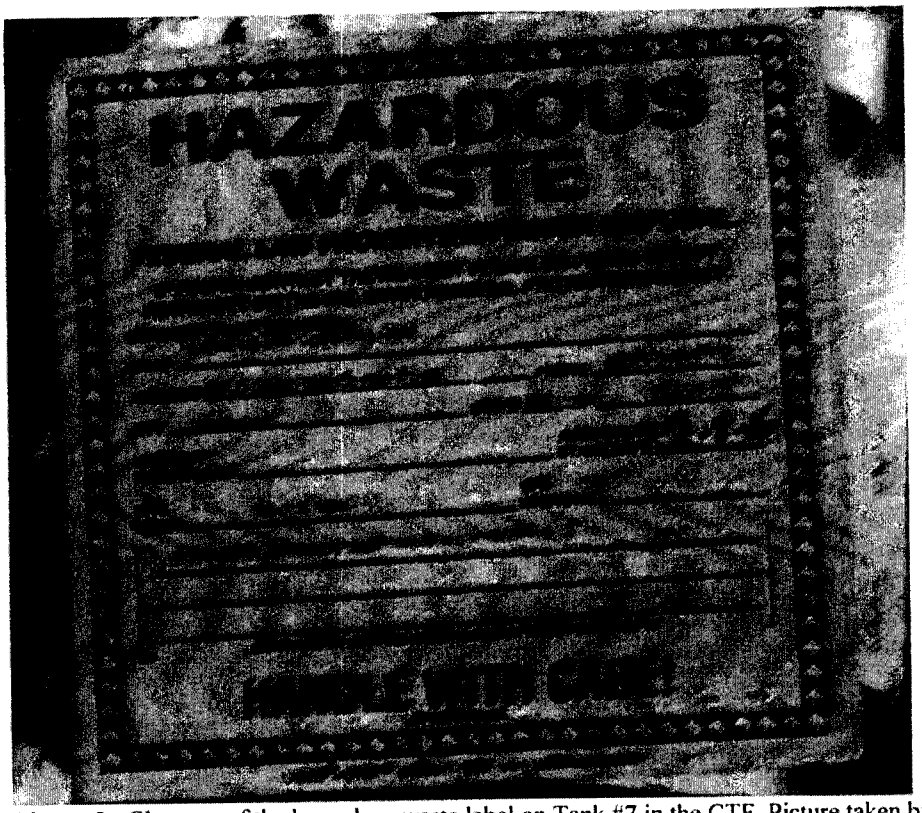
Picture 6: Close view of the hazardous waste label on the container shown in the previous picture (Picture 5). Picture taken by Javier García on 2/22/2016, at 2:07 pm.



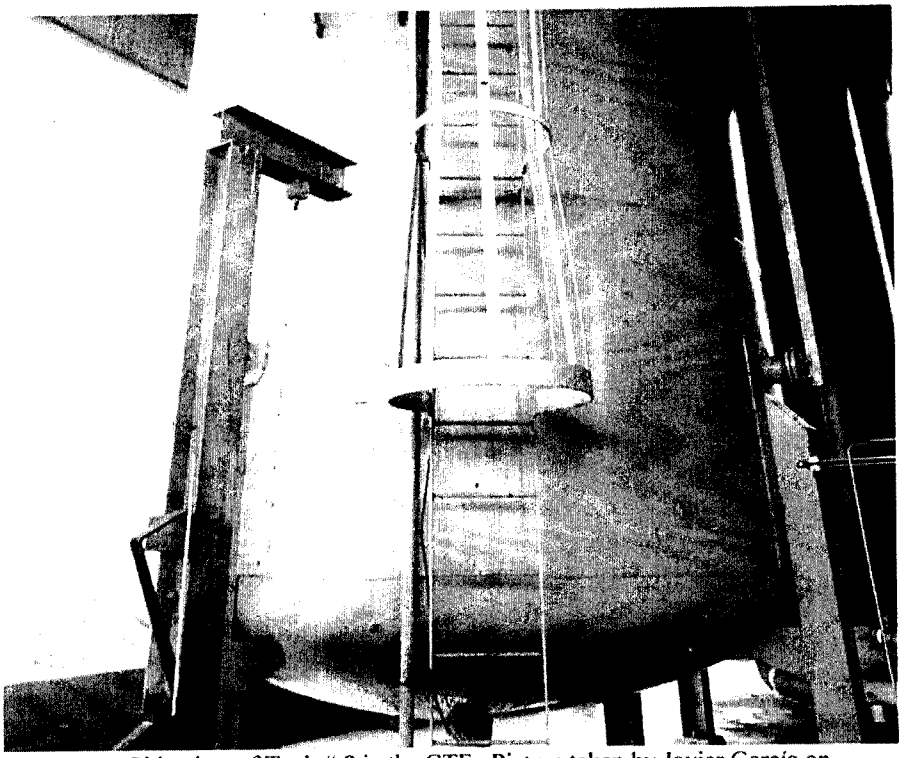
Picture 7: Satellite accumulation area container (SAA) on the concrete pad adjacent to the CTF. The container is used for the accumulation of hazardous waste (F039) contaminated personal protection equipment. Picture taken by Javier García on 2/22/2016, at 2:08 pm.



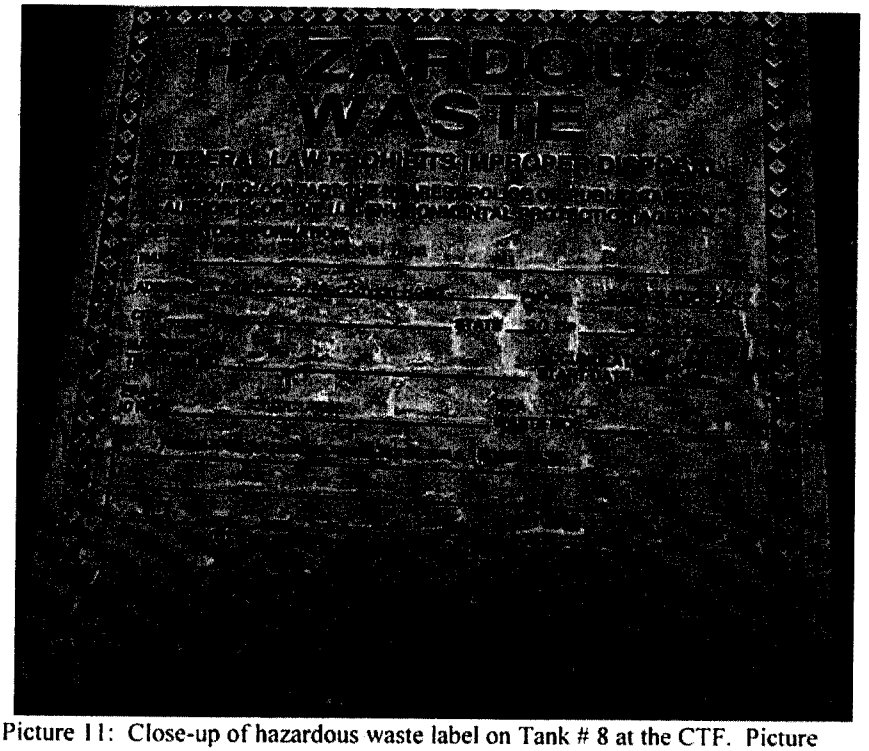
Picture 8: Side view of Tank # 7 at the CTF. Picture taken by Javier García on 2/22/2016, at 2:12 pm.



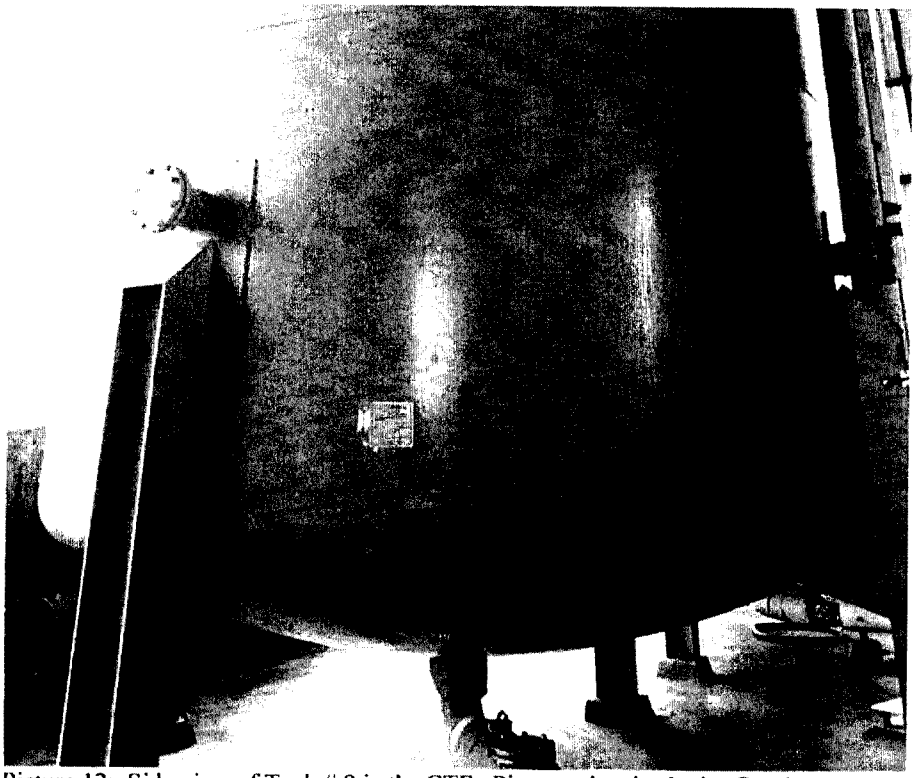
Picture 9: Close-up of the hazardous waste label on Tank #7 in the CTF. Picture taken by Javier García on 2/22/2016, at 2:13 pm.



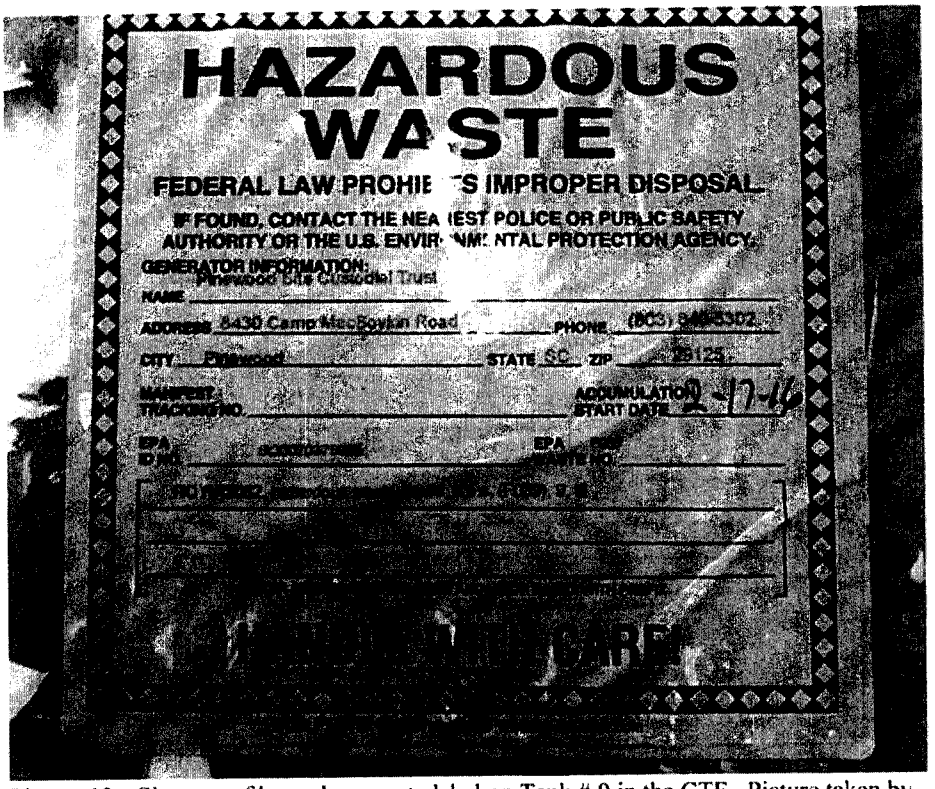
Picture 10: Side view of Tank # 8 in the CTF. Picture taken by Javier García on 2/22/2016, at 2:14 pm.



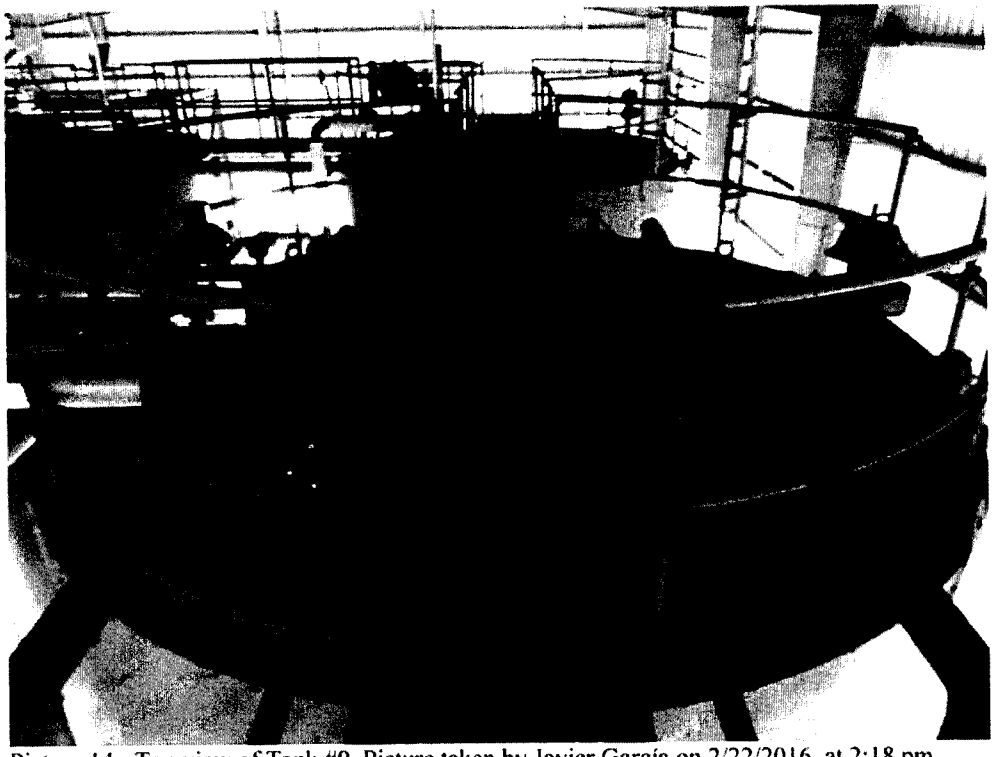
Picture 11: Close-up of hazardous waste label on Tank # 8 at the CTF. Picture taken by Javier García on 2/22/2016, at 2:14 pm.



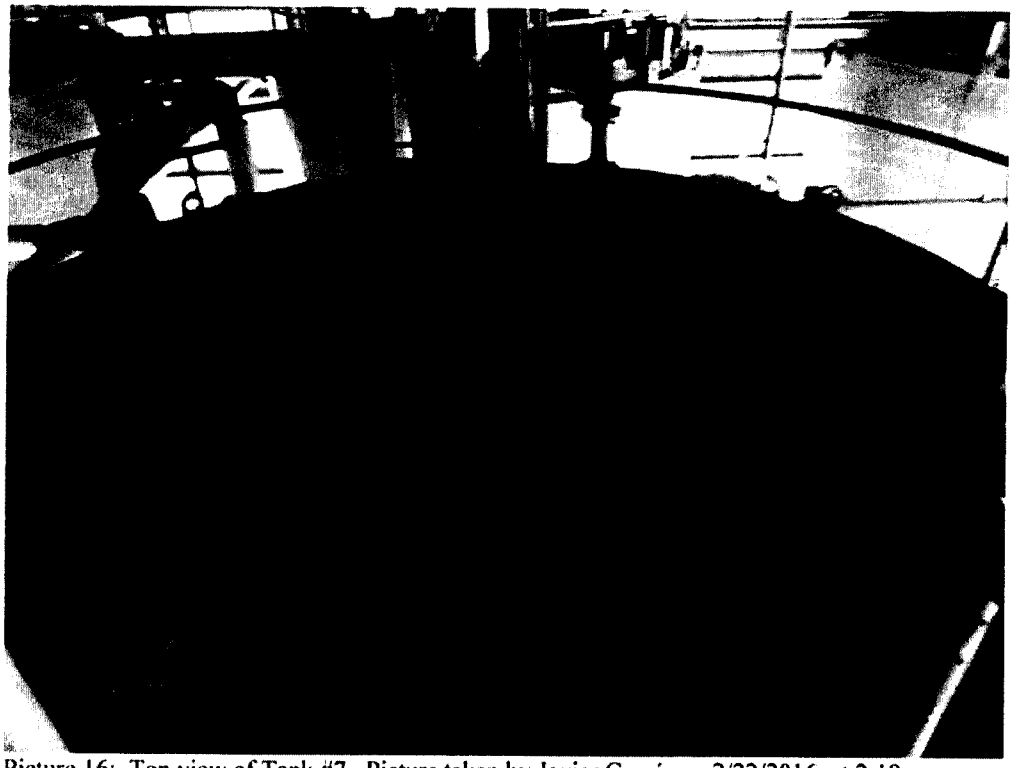
Picture 12: Side view of Tank # 9 in the CTF. Picture taken by Javier García on 2/22/2016, at 2:15 pm.



Picture 13: Close up of hazardous waste label on Tank # 9 in the CTF. Picture taken by Javier Garcia on 2/22/2016, at 2:15 pm.

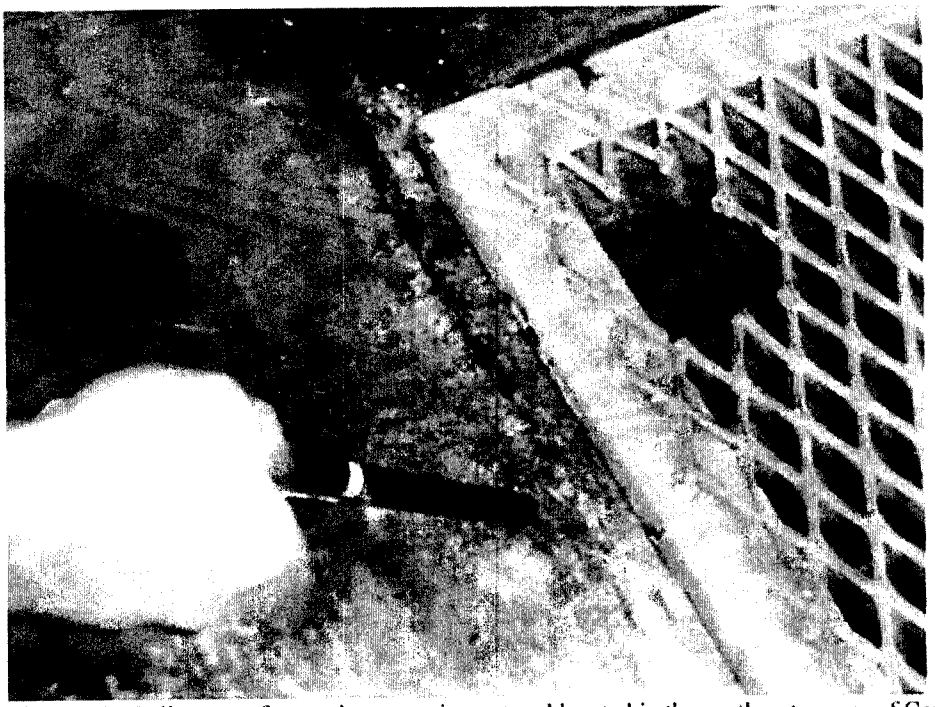

Picture 14: Top view of Tank #9. Picture taken by Javier García on 2/22/2016, at 2:18 pm.

Picture 15: Top view of Tank #8. Picture taken by Javier García on 2/22/2016, at 2:18 pm.

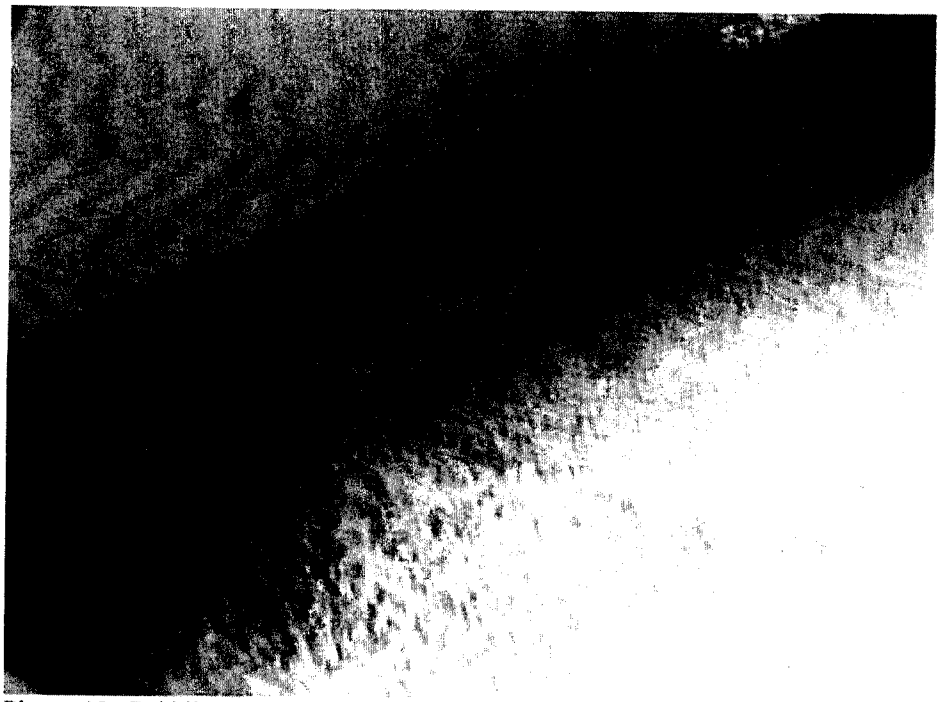


Picture 16: Top view of Tank #7. Picture taken by Javier García on 2/22/2016, at 2:19 pm.

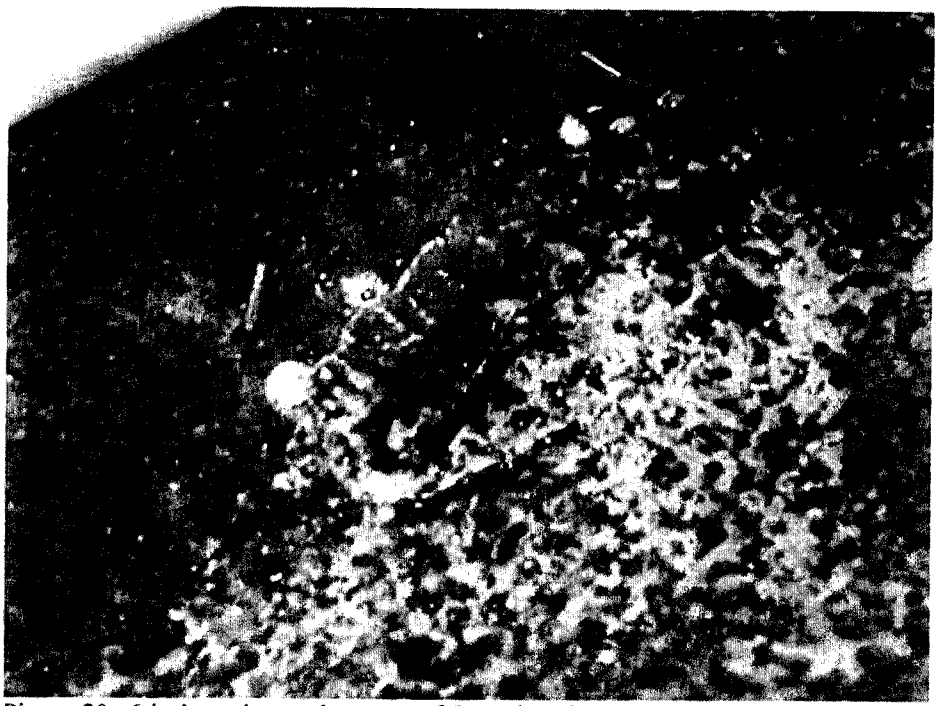
Picture 17: Split seam of secondary containment pad located in the northeast corner of the Central Tank Farm. Picture taken by SCDHEC on 2/22/16.



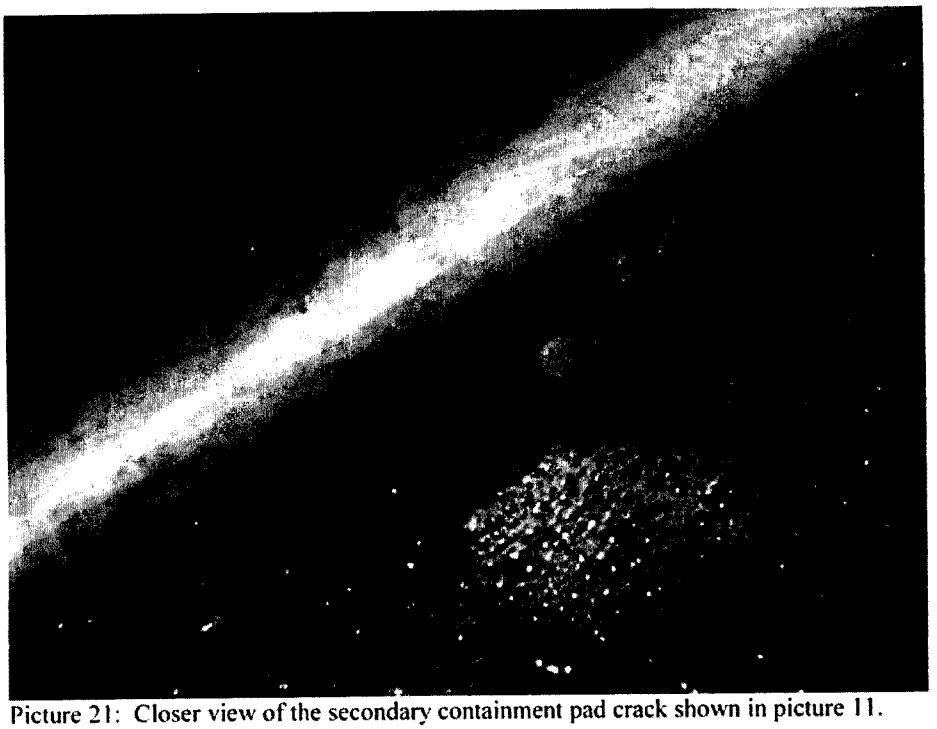
Picture 18: Split seam of secondary containment pad located in the southeast corner of Central Tank Farm. Picture taken by SCDHEC on 2/22/16.



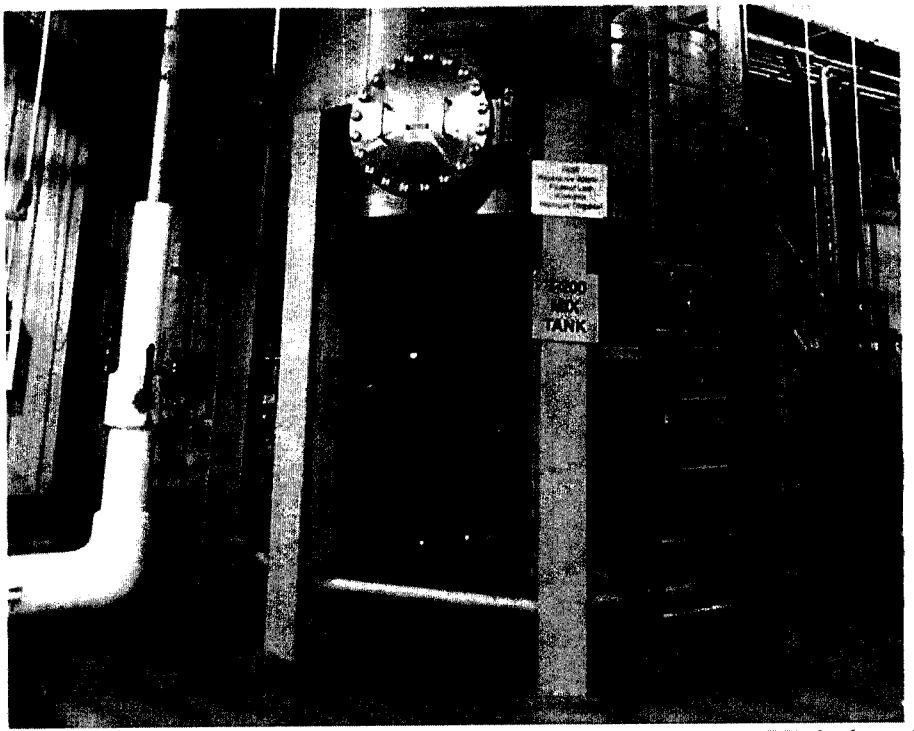
Picture 19: Bubbling of the sealant on the secondary containment pad along the north side of the Central Tank Farm. Picture taken by SCDHEC on 2/22/16.



Picture 20: 6-inch crack near the center of Central Tank Farm's secondary containment pad. Picture taken by SCDHEC on 2/22/16.

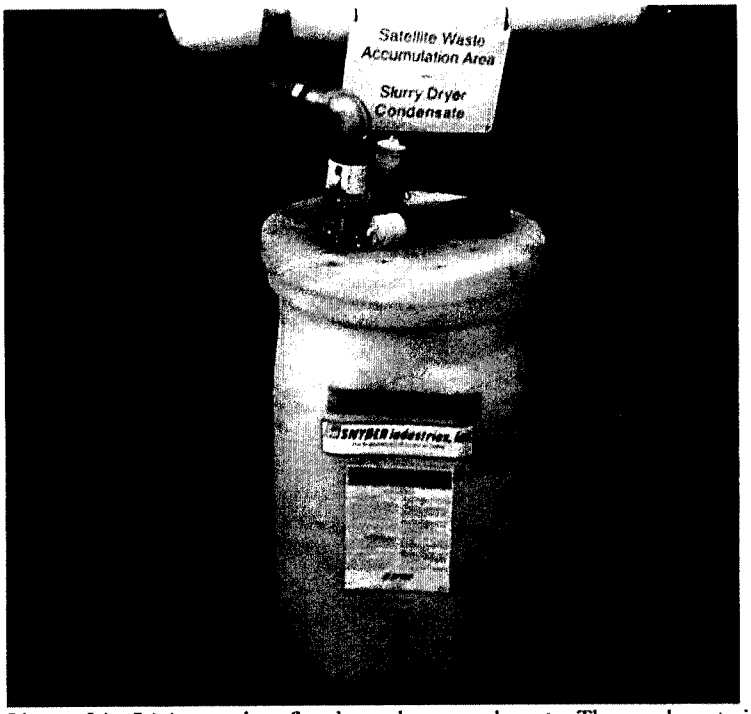


Picture 21: Closer view of the secondary containment pad crack shown in picture 11. Picture taken by SCDHEC on 2/22/16.

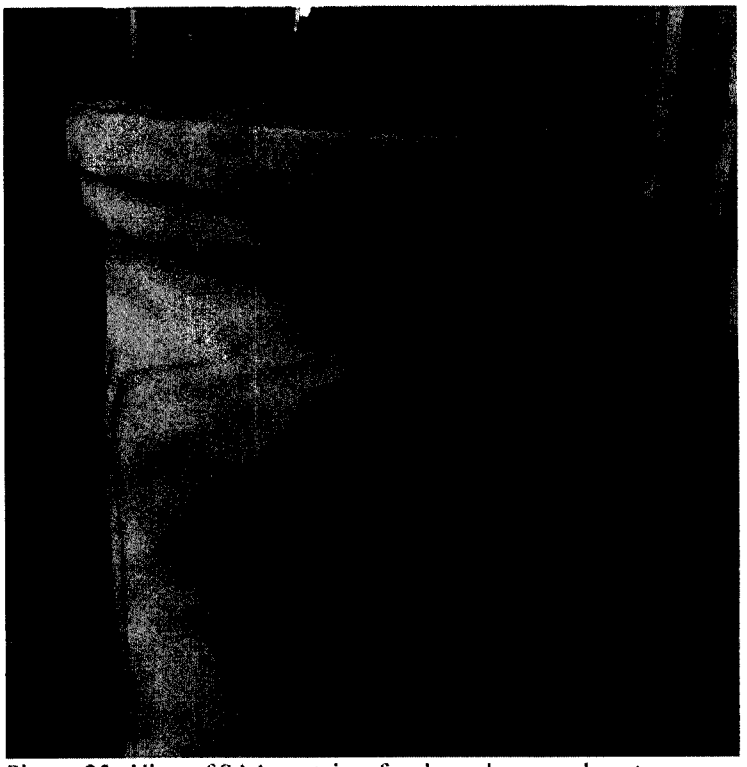


Picture 22: Side view of Tank #200 of the Leachate Treatment System (LTS). In the tank, the leachate is treated by adjusting the pH and mixing it with a flocculant. Picture taken by Javier García on 2/22/2016, at 2:27 pm.

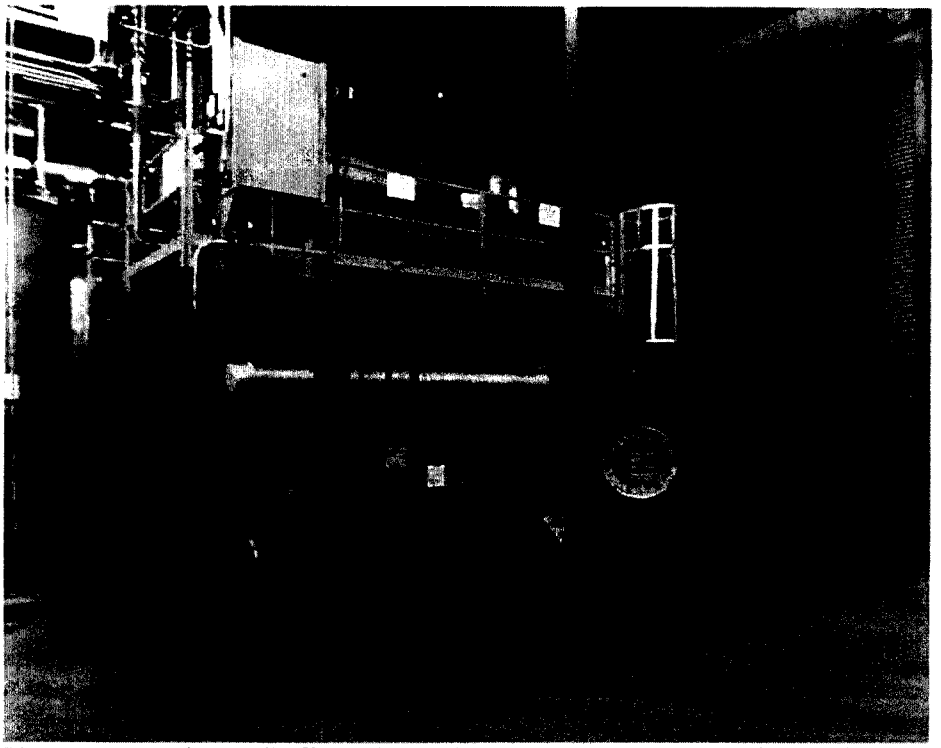
Picture 23: Side view of Tank # 210 of the LTS. The tanks receives the flocculated leachate from tank 200 and it is used as the feed tank to the filter press. The tank is marked as containing hazardous wastes. Picture taken by Javier García on 2/22/2016, at 2:28 pm.



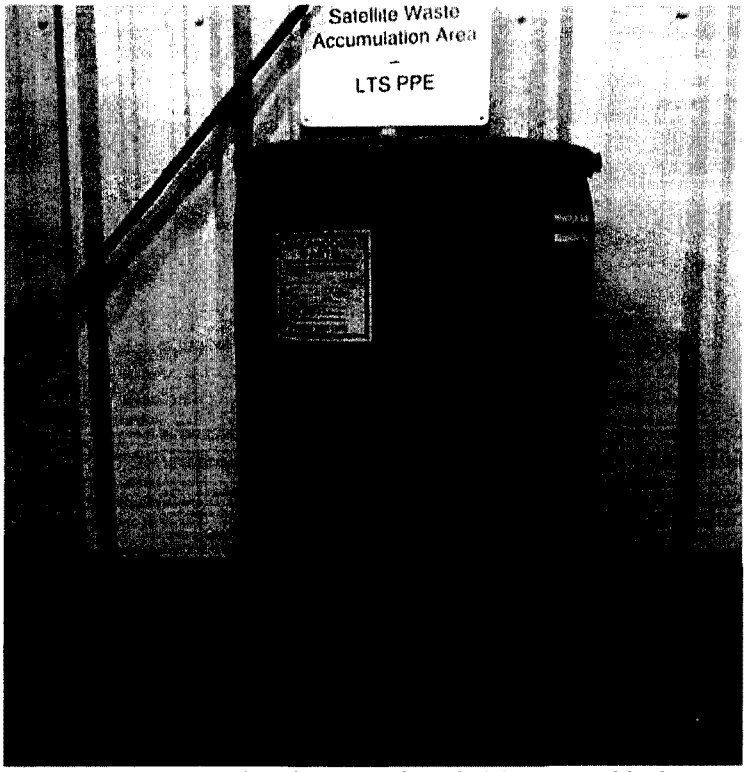
Picture 24: SAA container for slurry dryer condensate. The condensate is transferred to Tank #200 via pump P-300 located in the laboratory. Picture taken by Javier García on 2/22/2016, at 2:37 pm.



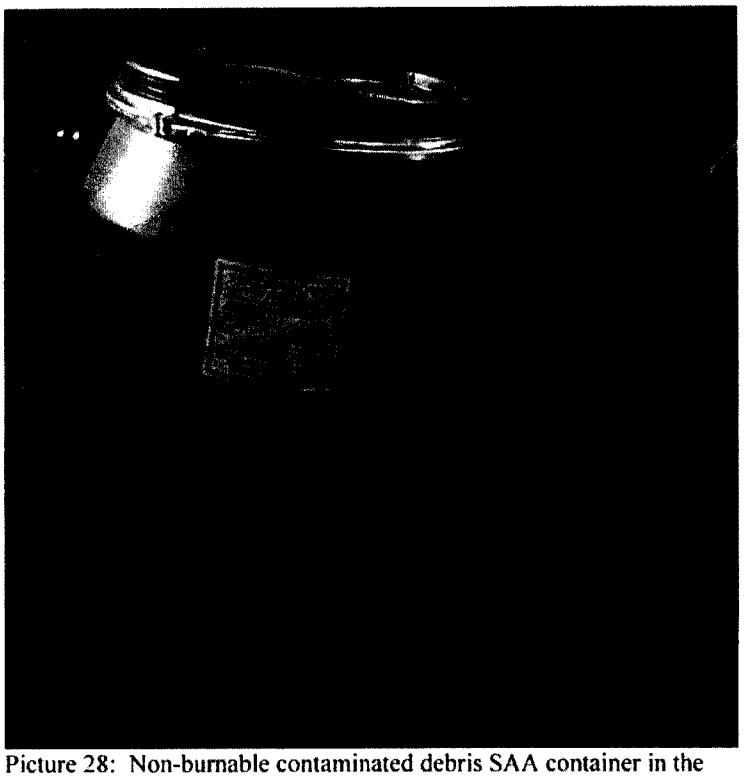
Picture 25: View of SAA container for slurry dryer condensate. The condensate is transferred to Tank 200. Picture taken by Javier García on 2/22/2016, at 2:38 pm.



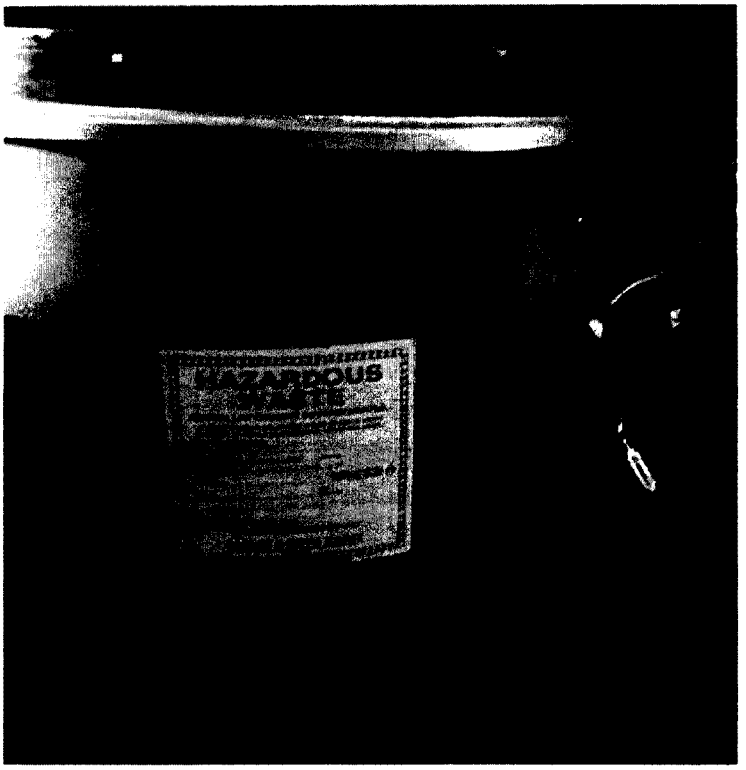
Picture 26: Dry slurry roll off container, adjacent to sludge filter press. The container was labeled and dated with an accumulation start date of 2/20/16. Picture taken by Javier García on 2/22/2016, at 2:42 pm.



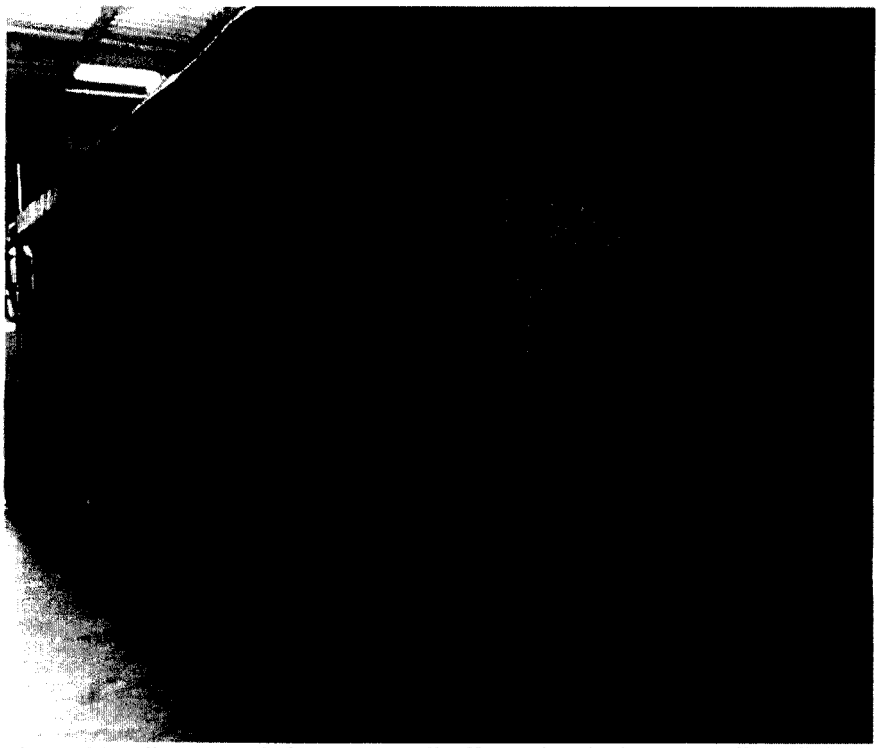
Picture 27: SAA container for contaminated PPE generated in the LTS building. Picture taken by Javier García on 2/22/2016, at 2:45 pm.



Picture 28: Non-burnable contaminated debris SAA container in the Waste Pile Building. Picture taken by Javier García on 2/22/2016, at 3:17 pm.

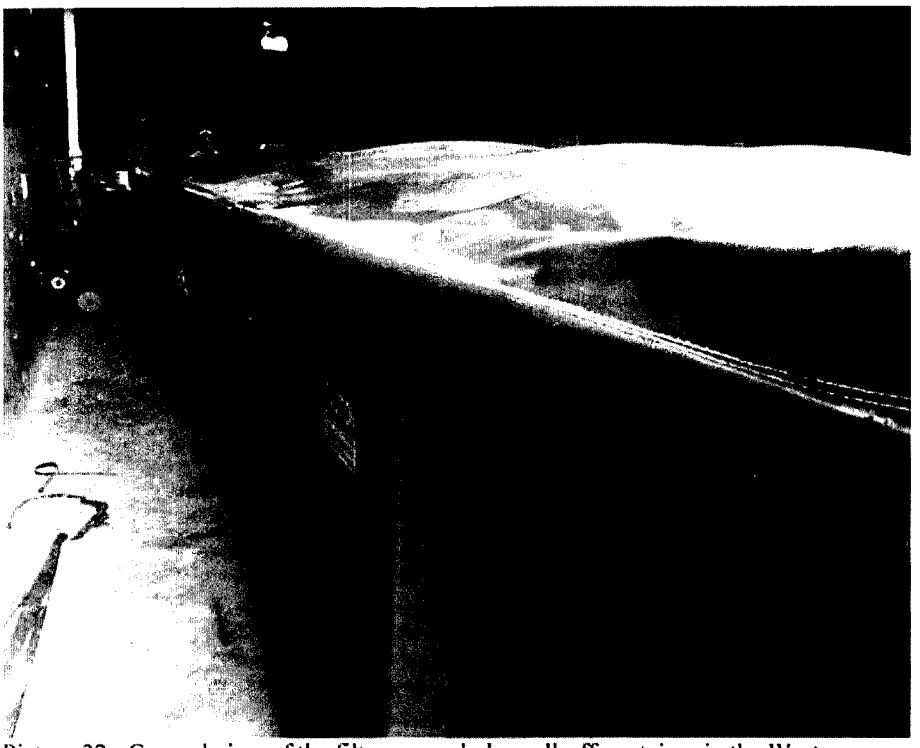


Picture 29: Burnable contaminated PPE SAA container in the Waste Pile Building. Picture taken by Javier García on 2/22/2016, at 3:17 pm.

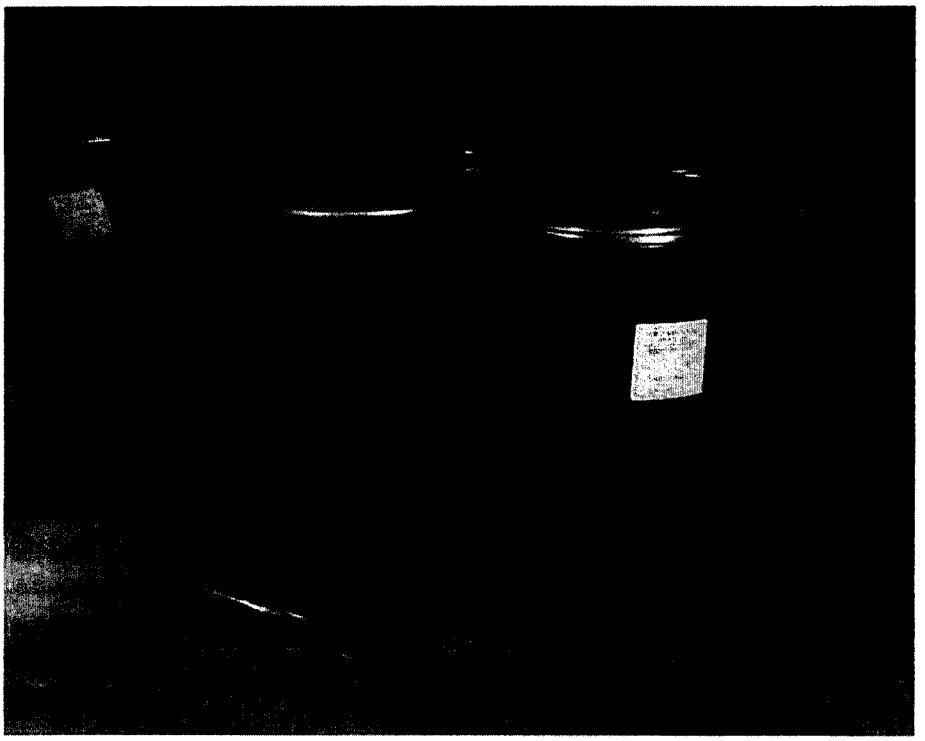


Picture 30: Filter press sludge storage roll-off container in the Waste Pile Building. The accumulation start date marked on the container was 9/12/15. Picture taken by Javier García on 2/22/2016, at 3:19 pm.

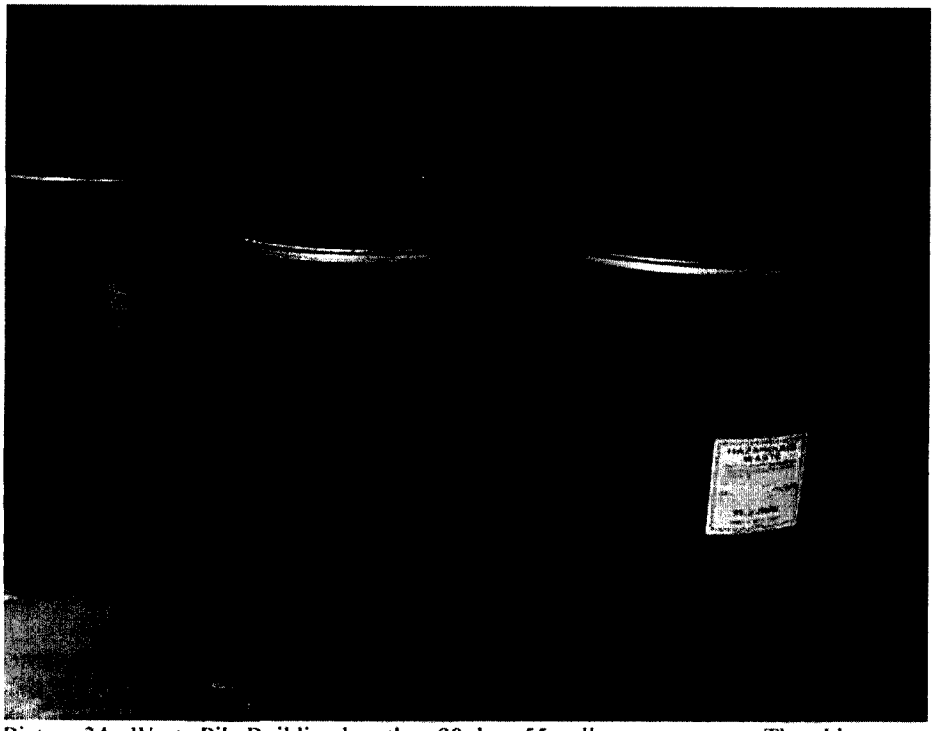
Picture 31: Close view of label on filter press sludge storage roll-off container in the Waste Pile Building showing the accumulation start date (9-12-15) on the container. Picture taken by Javier García on 2/22/2016, at 3:17 pm.



Picture 32: General view of the filter press sludge roll-off container in the Waste Pile Building. The container was marked with the accumulation start date of 9/12/15. Picture taken by Javier García on 2/22/2016, at 3:19 pm.



Picture 33: Waste Pile Building less than 90 days 55-gallon storage area. The oldest container was marked with the accumulation start date of 12/21/15. Picture taken by Javier García on 2/22/2016, at 3:23 pm.



Picture 34: Waste Pile Building less than 90 days 55-gallon storage area. The oldest accumulation start date observed on the 55-gallon containers 12/21/15. Picture taken by Javier García on 2/22/2016, at 3:23 pm.